IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.42320 of 2008
MONU KUMAR @ MUKESH KUMAR & ANR
Versus
STATE OF BIHAR
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03 10.12.2008 Heard.

Anticipatory bail of the petitioners who are an accused in a case under Sections 328,302/34 of the Indian Penal Code, was earlier rejected by this court.

It is alleged that the petitioners took away ten months boy of the informant and when he was returned, his mouth smelled foul and he became unconscious. The boy subsequently died. Learned counsel has renewed their prayer for bail on the following grounds:

(i) That the viscera report does not support the factum of administering poison or any other incriminating substance

(ii) The police in course of investigation, has submitted final form in favour of petitioners not charge sheeting them.

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The petitioners submit that however learned Magistrate differing with the police report took cognizance which has been challenged in this court and is pending consideration.

Having considered the facts of the case, this court is of the view, that if petitioners surrender in the court in seisin of the case, and pray for bail, the same would be disposed of preferably on the same date also taking into consideration that police in investigation has found the case not true.

With the aforesaid observations, this application is disposed of.

Sym **(S.P. Singh, J.)**

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